

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KAREN NOVICK,

Plaintiff,

-against-

METROPOLITAN LIFE INSURANCE COMPANY
and METLIFE OPTIONS AND CHOICES PLAN
NO. 512,

Defendants.
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Civ. Act. No.
09-civ-6865 (RKE)

**NOTICE OF MOTION
TO STRIKE**

Oral Argument Requested

DOCUMENT
ELECTRONICALLY FILED

PLEASE TAKE NOTICE that, upon all the papers and proceedings previously submitted to the Court in this action, and upon the Memorandum of Law simultaneously submitted herewith, Defendants, Metropolitan Life Insurance Company and MetLife Options and Choices Plan No. 512 (collectively the “Defendants”), by their attorneys, Sedgwick, LLP, will move this Court, on a date and at a time set by the Court, before the Hon. Richard K. Eaton, U.S.D.J., at the United States District Courthouse for the Southern District Of New York, 500 Pearl Street, New York, New York 10007 for an Order pursuant to Rules 56(c) and (e), FED. R. CIV. PROC., striking certain improper extra-record submissions included in Plaintiff Karen Novick’s opposition to Defendants’ pending motion for summary judgment and in support of her competing motion for summary judgment, and for such other and further relief this Court deems just and proper.

Dated: New York, New York
February 24, 2012

Respectfully submitted,

s/

MICHAEL H. BERNSTEIN (MB 0579)

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METROPOLITAN LIFE INSURANCE COMPANY

and METLIFE OPTIONS AND CHOICES

PLAN NO. 512

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CERTIFICATE OF SERVICE

I, BETSY D. BAYDALA, hereby certify and affirm that a true and correct copy of the attached **NOTICE OF MOTION TO STRIKE** was served *via ECF and email* on this 24th day of February, 2012, upon the following:

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Dated: New York, New York
February 24, 2012

s/
BETSY D. BAYDALA (BB 5165)